

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HORACE GAINES, :
 :
 Petitioner, : 08 Civ. 2208 (VM)
 :
 - against - : ORDER
 :
 THE CITY OF NEW YORK DEPARTMENT OF :
 CORRECTION/CORRECTIONAL WARDEN JOHN :
 DOE, CORRECTION CAPTAIN WILLIAMS :
 #127 CORRECTION OFFICER WALKER :
 #17122 et al., :
 :
 Respondents. :
 -----X

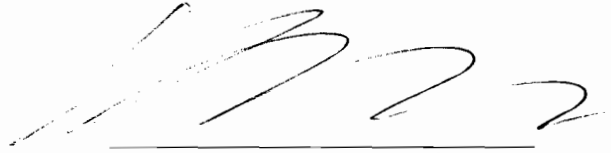
VICTOR MARRERO, United States District Judge.

Pro se Petitioner Horace Gaines ("Gaines") has applied for the Court to request counsel to represent him in this matter. The threshold consideration in ruling on such an application is the showing of some merit. See Cooper v. A. Sargenti Co., 877 F.2d 170, 172-74 (2d Cir. 1989). Gaines has not yet met this standard at this stage in the proceeding. If he can make such a showing at a later point, he may reapply for appointment of counsel at that time. Accordingly, it is hereby

ORDERED that the motion of petitioner Horace Gaines for appointment of counsel (Docket No. 3) is denied without prejudice.

SO ORDERED.

Dated: New York, New York
18 April 2008



VICTOR MARRERO
U.S.D.J.

